

Ordinance 16-09

An Ordinance amending Title 24 of the Mille Lacs Band Statutes Annotated (MLBSA), Chapter II, Subchapter II (Department of Justice) for the purpose of establishing two new departments: (1) the Mille Lacs Band Legal Services Office; and (2) the MLBO Compliance Office. These two offices shall be organized under the MLBO Department of Justice with oversight by the Band's Solicitor General.

The District I Representative introduced the following Bill on this the 5th day of February, 2009

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending 24 MLBSA, Chapter II, Subchapter II (Department of Justice) in order to establish two new departments within the Department of Justice, namely, (1) the Mille Lacs Band Legal Services Office; and (2) the MLBO Compliance Office.

It is the desire of the Mille Lacs Band of Ojibwe that each Band Member, who meets the income guidelines of the new legal services program, be provided competent legal representation for both civil and criminal matters. In order to enact fair and reasonable guidelines for all Band Members, the Band provided legal services will be limited to Band Members per annual use. The service area for the Mille Lacs Band Legal Services Office will be the counties of Mille Lacs, Morrison, Pine, Aitkin, and Crow Wing.

The Mille Lacs Band of Ojibwe recognizes that it is necessary to establish a MLBO Compliance Office within the Department of Justice in order to prevent a conflict of interest within any other specific Band program or department. This new office will be responsible for monitoring, auditing and/or investigating alleged non-compliance of the Band's Procurement Law (7 MLBSA *et seq.*) in regard to housing, construction or other related matter, including acting as Building Inspector.

Section 1. 24 MLBSA, Chapter II, Subchapter II is amended as follows:

Section 1053. Department of Justice Members.

The Department of Justice shall consist of the following:

- (a) Solicitor General, Deputy Solicitor General(s), and legal support staff;
- (b) Chief Law Enforcement Officer, Deputy Law Enforcement Officers and staff;
- (c) Mille Lacs Band Legal Services Director, legal staff and support staff; and
- (d) MLBO Compliance Officer and staff.

The Solicitor General shall exercise day-to-day supervision over the Department of Justice.

Section 1054. Powers and Duties of the Solicitor General.

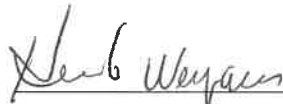
The Solicitor General shall be the leader of the Department of Justice (“Department”) and have the following authority in exercising said authority of government:

- (a) To convene the department for due cause at any time. In the event that she/he fails to do so upon the request of any two members of the Department, the Department may be convened after 48 hours **written** notice by any member of the Department.
- (b) **As an appointed official and the Band’s lead attorney, the Solicitor General is responsible to all Mille Lacs Band of Ojibwe elected officials.**
- (c) The Solicitor General shall have the responsibility for ensuring the enforcement of all the laws of the **Mille Lacs Band of Ojibwe**.
- (d) The Solicitor General shall have a duty to supervise investigations of potential violations of the law.
- (e) The Solicitor General shall prosecute any and all violators of the law.
- (f) The Solicitor General’s primary allegiance shall be to the laws of the Band and not to the Executive Branch. Hence, the Solicitor General may conduct investigations and prosecute members of the Executive Branch, as well as the Legislative or Judicial Branches, **within the parameters of Band law**.
- (g) The Solicitor General shall have the supervisory and administrative control of the Justice Department including Deputy Solicitor General(s) and staff, Law Enforcement Offices and staff, **Mille Lacs Band Legal Services Director and staff, and MLBO Compliance Officer and staff**.
- (h) The Solicitor General shall review the laws of the **Mille Lacs Band of Ojibwe** to assure their compliance with the Indian Civil Rights Act (25 U.S.C.A. § 1302).
- (i) The Solicitor General shall supervise and advise the Chief Law Enforcement Officer as to his duties and obligations.

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Introduced to the Band Assembly on this
Fifth day of February in the year
Two Thousand Nine.


Passed by the Band Assembly on this
Fifth day of February in the year
Two Thousand Nine.



Herb Weyaus, Speaker of the Assembly

APPROVED

Date: 2-6-09


Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND